



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 60,340-043	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>October 10, 2005</u></p> <p>Signature <u>Susan K. Olson</u></p> <p>Typed or printed name <u>Susan K. Olson</u></p>		Application Number 10/657,289	Filed 9/08/2003
		First Named Inventor TIMOTHY HEWITT et al.	
		Art Unit 3724	Examiner Kenneth Peterson
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>Pre-Appeal Brief Remarks (2 pages)</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>22,180</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

Harold W. Milton, Jr.
Signature
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(248) 723-0352
Telephone number
October 10, 2005
Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Timothy Hewitt et al.

Group Art Unit: 3724

Application No.: 10/657,289

Examiner: Kenneth E. Peterson

Filed: September 8, 2003

For: FENCE

Attorney Docket No.: 60,340-043

MS Appeal Brief-Patent
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PRE-APPEAL BRIEF REMARKS

Claims 1 sets forth a fence for a table saw and is distinguished by a plurality of plates (40) attached to a fence face (20) and presenting key hole slots (44/45) for attachment to a fence beam (22).

In order to reject claim 1, the Examiner takes Official Notice that:

1. "It is well known to employ studs with enlarged heads and key hole slots when connecting machine parts together." and
2. "It is well known to employ a plate in lieu of having the key hole directly in the object to be attached."

Applicant does not claim to be the first to use key hole slots but Applicant is the first to use key hole slots and in a plate to connect a fence face to a fence beam for a table saw. In accordance with the Examiner's reasoning there will never be another invention in combining a key hole slot to interconnect two elements, i.e., once a connection is known its use can never be invention.

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Atty. Docket No. 60,340-043

As to claim 2, the Examiner states that it would be obvious to provide two fence faces. The question is why would one use two fence faces, the prior art does not teach two fence faces. The two fence faces are not redundant but have independent functions.

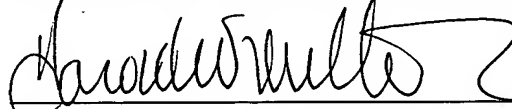
As to claim 3, if it is so well known that the fence face is taller than the fence beam, it should be easy for the Examiner to cite a teaching of same. Applicant, having the pride of an inventor – in the vain of a new parent – would like to be shown what is believed to be inventive is, in fact, old and well known as suggested by the Examiner.

As to dependent claims 4, 5 and 6, they depend for novelty upon claim 1.

The review of these rejections by a committee before filing an appeal brief is appreciated.

Respectfully submitted

HOWARD & HOWARD ATTORNEYS, P.C.

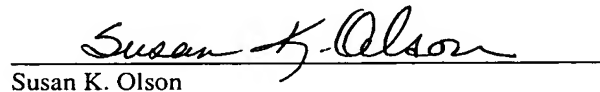


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CERTIFICATE OF MAILING

I hereby certify that these **Pre-Appeal Brief Remarks** for U.S. Serial No.: 10/657,289 filed September 8, 2003 is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Appeal Brief-Patent, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on: October 10, 2005.


Susan K. Olson